

REMARKS

Applicants have thoroughly considered the Office action dated December 15, 2006 and has amended the application to more clearly set forth the invention. Claims 1, 24, 53, 55 and 56 have been amended and claims 8-14, 16-23 and 54 have been canceled by this Amendment D. Claims 57-61 have been added by Amendment D.

Claims 1-7, 15, 24, 39, 52, 53 and 55-61 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1, 3-24, and 52-56 stand rejected under 35 U.S.C. 102(e) as being anticipated by Eggleston et al., U.S. Patent Number 6,061,660 (Eggleston). Applicants respectfully disagree.

Column 10, lines 3-9 of Eggleston discloses that the system includes "participation of a host, who manages the system, one or more consumers, who participate in incentive programs and in certain instances win awards, one or more sponsors, who offer incentive programs through the host system, and one or more retailers who provide awards for the incentive programs and who fulfill delivery of awards to customers." When read in the light of the specification, Eggleston clearly teaches that a sponsor (1) purchases incentive programs from the sponsor site of the host, (2) downloads the purchased program to the sponsor's own server, and (3) provides a link to the host, as a result, the consumer can access the incentive program on the sponsor's own web server from a HTML link in the consumer directory of the consumer site of the host.

Notably, Eggleston does not teach or disclose any embodiments where the incentive program purchased by a sponsor is installed or executed on the sponsor site of the host system or elsewhere on the host system. In contrast, Eggleston repeatedly teaches that a purchased incentive program is downloaded to the sponsor's own site and not the sponsor site 194 located on the host system. (Eggleston, FIGS. 10-11; column 14, lines 50-53; column 19, lines 14-17; column 19, lines 14-17; column 19,

lines 17-19; column 19, lines 44-48; column 29, line 67 to column 30, line 3; column 32, lines 37- 41) Furthermore, Eggleston teaches that once the incentive program has been downloaded and installed on the sponsor's own site, the **sponsor provides a link to the host**. (Eggleston, column 19, lines 20-21 and 49-50; column 30, lines 6-9; column 14, lines 53-56) Next, the host system updates the consumer directory of the consumer site to **link to the incentive program installed on the sponsor's own site**. (Eggleston, column 15, line 66 - column 16, line 2; column 19, lines 49-52; column 26, lines 62-65; column 19, lines 26-29)

Claim 1

Claim 1 has been amended to incorporate the subject matter of claim 56 and recites a method for allowing a first customer to create an individual, modified motivation or recognition first program having first participants..., said method for allowing a second customer to create an individual, modified motivation or recognition second program having second participants ..., said method comprising the steps of:

allowing the first customer to operate the modified first program via the program processor, and allowing the second customer to operate the modified second program via the program processor, wherein the first and second participant processors and the first and second customer processors are remote from said program processor and remote from the storage device connected to the program processor; and

providing the first customer's participants with access via the first participant processors to the modified first program stored in the storage device, and providing the second customer's participants with access via the second participant processors to the modified second program stored in the storage device, said modified first and second programs executed by the program processor.

The present invention allows a first and second customer "to operate the modified program via **the program processor**, and wherein the participant processor and the customer processor are remote from said program processor and remote from the storage device," as recited in claim 1 and shown in FIG. 1 and 10. (Also see, specification page 12, lines 12-13; FIG. 10, page 29, line 21- page 31, line 14) Furthermore, the operating software used to operate the program remains **local** to the

program processor. For example, the first and second customers are allowed to "personalize follow-up promotions 1010 and schedule and launch communication cycles at 1012 by editing the content and frequency of any communications that are scheduled to be sent by the program processor." (FIG. 10, reference characters 1010, 1012; page 31, line 2-8) This is completely different from the systems in the Eggleston reference. The Eggleston reference fails to teach or suggest allowing a multiple independent customers to operate the modified program via a **program processor**, and wherein the participant processor and customer processors are remote from said program processor and remote from the storage device. Since Eggleston discloses **installation and operation at the sponsor's own site**, Eggleston teaches away from the invention.

For at least these reasons, Applicants submit the cited reference does not teach or suggest each and every element of claim 1. As such, the rejection of claim 1 under 35 U.S.C. § 102(e) should be removed. Additionally, claims 2-7, 15, 39, 52 and 53 depend from claim 1 and are allowable for at least the same reasons as claim 1.

Claim 24

Claim 24, as amended, recites a system for allowing multiple customers to each create an individual, modified motivation or recognition program via a customer processor, said system comprising:

a storage device; and
a program processor ...;

to electronically provide to each customer access to a browsable **catalog of predefined programs stored in the storage device, each program associated with a business challenge**;

to allow each customer to **electronically select a business challenge** wherein the predefined programs associated with the business challenge are presented to the customer **wherein the predefined programs are designed to promote the selected business challenge**;

to allow each customer to electronically select one of the presented predefined programs stored in the storage device;

The above recitals are illustrated in FIG. 4 in the present application, at reference characters 410 (select a business challenge), 414 (business needs focused programs), and 416 (predefined program). Additionally, Applicants submit that the amendment to

the claim is supported on page 18, line 27- page 20, line 17 of the present application. For example, the customer is presented with a listing of various business challenges. (Specification, page 19, lines 22-23) Sample business challenges include, but are not limited to, increasing sales and revenue, increasing profit, improving market share, attracting and retaining employees, improving employee morale, recognizing service anniversaries, and rewarding project milestones. (Specification, page 19, line 23 - page 20, line 3) There are multiple, predefined programs associated with each business challenge. (Specification, page 20, lines 3-4) When the customer selects a business challenge at, the predefined programs associated with the identified business challenge are presented to the customer. (Specification, page 20, lines 4-7)

The Examiner asserts that column 19, line 56 through column 20, line 32 of Eggleston discloses a plurality of business challenges. However, Eggleston clearly states that the reference and corresponding FIG. 12 "depicts a prize selection process." (Eggleston column 19, line 54 through column 20, line 32) The Eggleston reference fails to teach or suggest electronically providing "to each customer access to a browsable catalog of predefined programs stored in the storage device, **each program associated with a business challenge**" and allowing "each customer to electronically **select a business challenge wherein the predefined programs associated with the business challenge are presented to the customer wherein the predefined programs are designed to promote the selected business challenge**" as recited in the claim.

For at least these reasons, Applicants submit the cited reference does not teach or suggest each and every element of claim 24. As such, the rejection of claim 24 under 35 U.S.C. § 102(e) should be removed. Additionally, claims 53 and 60 depend from claim 24 and are allowable for at least the same reasons as claim 24.

Claim 55

Claim 55, as amended, recites "allowing the first customer and the second customer to **each electronically select via their customer processor a rules structure of the selected predefined program**, said rules structure defining the manner in which awards are earned by the first and second customer's participants,

wherein the first customer's modification is independent of the second customer's modification."

Applicants submit that the amendment to the claim is supported on page 17, line 9- page 18, line 14 of the present application. For example, rules structures define the manner in which awards are earned by the participants and the customer can select the rules structure to reflect the individual needs of the customer. (Specification, page 17, lines 9-12) Sales contests may be based on rules structures such as: Hit and Win, Top Performer, Dollar One, Up To and Over, and Incremental Sales. (Specification, page 17, lines 18-21) In the Hit and Win rules structure, an objective is set and communicated to drive each participant and when the objective is reached, the participant earns the award. (Specification, page 17, lines 21-23) Additional rules structures may be accommodated as appropriate to promote other performance such as participant suggestions, safety, productivity, or presenteeism. (Specification, page 18, lines 11-14)

The Eggleston reference fails to teach or suggest "allowing the first customer and the second customer to **each electronically select via their customer processor a rules structure of the selected predefined program**" as recited in the claim. For at least these reasons, Applicants submit the cited reference does not teach or suggest each and every element of claim 55. As such, the rejection of claim 55 under 35 U.S.C. § 102(e) should be removed. Claim 56 has been amended similarly to claim 55 and is allowable for at least the same reasons as claim 55. . Additionally, claims 57-59 depend from claim 56 and are allowable for at least the same reasons as claim 56.

Claim 61

Claim 61 recites "allowing a first customer via a first customer processor and allowing a second customer via a second customer processor to electronically select a **business challenge** from a plurality of business challenges" and "allowing the first customer and the second customer to **each electronically select via their customer processor a rules structure of the selected predefined program**." As explained above, the Eggleston reference fails to teach or suggest "allowing a first customer via a first customer processor and allowing a second customer via a second customer processor

to electronically select a **business challenge** from a plurality of business challenges" and "allowing the first customer and the second customer to each electronically select via their customer processor a **rules structure** of the selected predefined program" as recited in the claim. For at least these reasons, Applicants submit the cited reference does not teach or suggest each and every element of claim 61 and thus, claim 61 is allowable.

Claim Rejections Under 35 U.S.C. §103(a)

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. (U.S. Patent Number: 6,061,660) in view of Hoffman and Rogelberg "A guide to team incentive systems," Team Performance Management, vol. 4 no. 1, pp. 23, 1998 (Hoffman and Rogelberg).

Hoffman and Rogelberg disclose an incentive system where members of a team earn a reward based on the performance of a team. (page 3, System II). Eggleston, as explained above, teaches a method for providing incentive programs over a computer network where the incentive program is downloaded or transmitted to the sponsor for installation and operation **at the sponsor's own site**.

Claim 2 depends from claim 1 and the cited references, alone or in combination, fail to teach or disclose "allowing a multiple independent customers to operate the modified program via a **program processor**, and wherein the participant processor and a customer processors are remote from said program processor and remote from the storage device". Thus, Applicants believe dependent claim 2 is allowable for at least the same reasons as independent claim 1 is allowable.

Claim 39 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston et al. in view of Symons and Jacobs "A Total Quality Management-Based Incentive System Supporting Total Quality Management Implementation", Production and Operations Management, Vol. 4, No. 3, Summer 1995 (Symons and Jacobs).

Symons and Jacobs disclose an incentive system where a bonus incentive is calculated based on the employee's most recent pay (page 4, FIG. 1). Eggleston, as explained above, teaches a method for providing incentive programs over a computer

network where the incentive program is downloaded or transmitted to the sponsor for installation and operation **at the sponsor's own site**.

Claim 39 depends from claim 1 and the cited references, alone or in combination, fail to teach or disclose "allowing a multiple independent customers to operate the modified program via **a program processor**, and wherein the participant processor and a customer processors are remote from said program processor and remote from the storage device". As such, Applicants believe dependent claim 39 is allowable for at least the same reasons as independent claim 1 is allowable.

CONCLUSION

In view of the foregoing, Applicants submit that independent claims 1, 24, 55 and 56 are allowable over the cited art. The claims depending from these claims are believed to be allowable for at least the same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Frank R. Agovino/

Frank R. Agovino, Reg. No. 27,416
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

FRA/BAW/cjl